



Entered on Docket
April 17, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

Attorneys for USA Capital Diversified Trust Deed Fund, LLC

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOF OF CLAIM
OF LLOYD BLAIR FILED IN WRONG
DEBTOR'S CASE; OBJECTION OF
DTDF TO PROPOSED ALLOWANCE OF
CLAIM**

Hearing Date: April 10, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Objection of USACM Trust to Proof of Claim of
2 Lloyd Blair Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed Allowance of
3 Claim (with Certificate of Service)” [Docket No. 6925] (the “Objection”); with
4 appearances as set forth in the record at the hearing noted above; appropriate notice of the
5 Objection having been given; no response to the Objection having been filed; and good
6 cause appearing:

7 **IT IS HEREBY ORDERED** that:

- 8 1. The Objection is sustained;
- 9 2. Lloyd Blair’s claim is disallowed in its entirety as against USA Commercial
10 Mortgage Company (“USACM”);
- 11 3. Any proposed allowance of Lloyd Blair’s claim in the DTDF case is
12 disallowed; and
- 13 4. Lloyd Blair is allowed to retain an equity interest in DTDF in the amount of
14 \$960,946.48 as reflected in the books and records of DTDF as of April 13, 2006.

15 # # #

16 DATED AND SIGNED ABOVE.

17 **Prepared by:**

18 **LEWIS AND ROCA LLP**

19 By /s/ JH (AZ 010824)

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LEWIS
AND
ROCA
LLP
LAWYERS

APPROVED/DISAPPROVED

/s/

August Landis

Office of the U.S. Trustee

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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